

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO.  
07-093

FRANCIS LEONARD HUGHES  
TX-1324999-G

AGREED FINAL ORDER

On this the 18 day of APRIL, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Francis Leonard Hughes (Respondent).

In order to conclude this matter, Francis Leonard Hughes neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458;

**FINDINGS OF FACT**

1. Respondent Francis Leonard Hughes was a Texas certified general real estate appraiser, holds certification number TX-1324999-G, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about December 8<sup>th</sup>, 2005, Respondent appraised real property located at 258 B Ferrell Road, Buna, Texas 77612 ("the property").
3. On or about February 22<sup>nd</sup>, 2007, Ginger and Juan Briseno, filed a complaint with the Board. The complaint alleged that the appraisal report was inflated in violation of professional appraisal standards.
4. On or about April 3<sup>rd</sup>, 2007 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 163.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:
  - a) Respondent failed to comply with the record keeping provisions of USPAP's Ethics Rule;

- b) Respondent failed to state prominently the report option used;
- c) Respondent failed to identify the intended use of his opinions and conclusions;
- d) Respondent failed to identify, describe and report the improvements description adequately;
- e) Respondent failed to support the analysis of economic supply and demand, and market area trends that were described in the report;
- f) Respondent failed to provide a summary of his rationale for his determination of the property's highest and best use;
- g) Respondent failed to provide support for his site value, cost new of improvements and depreciation analysis;
- h) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately; and,
- i) Respondent failed to analyze and report the contract of sale for the property.

#### CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Standards Rules: 2-2(b); 1-2(b) & 2-2(b)(ii); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(c); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(c); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(ix); and 1-1(c).

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;
- c. Shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

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ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within TWELVE MONTHS of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

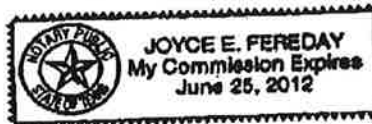
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 18<sup>th</sup> day of April, 2009.

Francis Leonard Hughes  
FRANCIS LEONARD HUGHES

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 18<sup>th</sup> day of April, 2009, by FRANCIS LEONARD HUGHES, to certify which, witness my hand and official seal.

Joyce E. Fereday  
Notary Public Signature

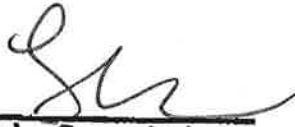


Joyce E. FEREDAY  
Notary Public's Printed Name

Signed by the Commissioner this 18 day of APRIL, 2009.

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Loretta DeHay, Interim Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21<sup>st</sup> day of August, 2009.



Clinton P. Sayers, Chairperson  
Texas Appraiser Licensing and Certification Board